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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,244	12/19/2006	Makoto Koshihata	F-8858	6973
28107 7590 09/26/2008 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
09/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,244

**Applicant(s)**

KOSHIHATA, MAKOTO

**Examiner**

BHARAT C. PATEL

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species I, readable on claims 1-3, in the reply filed on 7/3/08 is acknowledged.
2. Claims 4-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II-VI, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/3/08.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Chen 5,778,752.

Re claim 1, Chen discloses a base 16, capable of supporting a cutting member on the work surface 18; a supporting member 26, 28, for a cutting blade 14, attaching a back end portion 30 thereof to a part adjacent one end portion of a center part of said base 16 per Figs. 1-2, capable of rotating a tip portion thereof in a vertical direction per Fig. 3. It should be noted that the cutting blade reciprocates in vertical direction, therefore, the tip portion of the supporting member 28 allows for the movement. Therefore, Examiner considers that Chen satisfies the claimed subject matter. Chen also discloses a cutting device, 10, driving rotatably by a motor 44 provided at a vertical

rotatable part of said supporting member, capable of cutting said cutting member supported by said base 16 by said cutting blade 14; and means for sloping 50, 52, capable of inclining said base corresponding to a slope of the cutting member supported by said base 16 per Figs. 3-4

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eastwood 2,249,814 in view of Chen 5,778,752.

Re claim 1, Eastwood teaches a base 1, capable of supporting a cutting member W; a supporting member 4 for a cutting blade 5, attaching a back end portion thereof to a part 2 adjacent one end portion of a center part of said base 1, capable of rotating a tip portion thereof in a vertical direction via handle 9 per Fig. 3; a cutting device made up of a motor 5 and belt per col. 2, lines 20-21, driving rotatably by a motor 5 provided at a vertical rotatable part of said supporting member 4, capable of cutting said cutting member W supported by said base by said cutting blade per Figs. 3-4. However, Eastwood fails to teach means for sloping, capable of inclining said base corresponding to a slope of the cutting member supported by said base. Chen teaches means for sloping 50, 52, capable of inclining the base 16, 18, corresponding to a slope of the cutting member supported by said base 16, 18.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Eastwood's base with means of sloping, as taught by Chen, in order to allow for angular adjustment of the table or work surface (Chen, per col. 3, lines 23-35 and lines 50-65).

Re claim 2, Eastwood teaches that the base 1 further includes a holding device 10 & 11 and 12 & 13 which fixes the cutting member W by sandwiching per Fig. 4.

Re claim 3, Eastwood teaches that the supporting member 4 for a cutting blade 5 is attached rotatably to the base 1 in a horizontal direction at a predetermined range, and the vertical rotatable part 4 thereof being bias always by a spring 8 upward per Fig. 3 per col. 2, lines 21-23.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huang (5,390,577), Spath (5,320,016), Graves (1,474,525), Alan (2005/0229765) and Neeb (110,671) teach different mechanisms for angular adjustable work surface of saw devices. Judge (2005/0028662) and Hayashizaki teach different clamping and holding devices for the chop saws.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724  
September 22, 2008.

/Ghassem Alie/  
Primary Examiner, Art Unit 3724